

## UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK  
DISTRICT OF HAWAII  
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### **INSTRUCTIONS FOR CIVIL APPEALS**

#### **TO COUNSEL OF RECORD OR PRO SE:**

In order to properly prepare the record on appeal, the following instructions must be followed:

#### **I. PAYMENT OF THE FILING & DOCKET FEES**

- A. The U.S. District Court Filing Fee of \$5.00 and the Ninth Circuit Court of Appeals Docket Fee of \$250.00 are both due upon the filing of the Notice of Appeal.
- B. One check, in the amount of \$255.00, should be made payable to Clerk, U.S. District Court.
- C. All appeals are subject to dismissal for failure to pay for the docket fee. (Does not apply to cases in which the appellant has been granted leave to proceed in forma pauperis).
- D. Upon the filing of the Notice of Appeal, a copy of the District Court docket sheet will be sent to all parties.

#### **II. ORDER THE REPORTER'S TRANSCRIPT**

- A. The **Appellant** is required to use the "Transcript Designation and Ordering" form (CA9-036). This form will be sent to the **Appellant** upon the filing of the Notice of Appeal. Instructions for the preparation of this form will be sent to both the **appellant** and the **appellee**. You may also choose to access the U.S.D.C. District of Hawaii's website where a "fillable" PDF form may be found. The USDC Hawaii website address: [www.hid.uscourts.gov](http://www.hid.uscourts.gov). Click on "Forms" and then click on "miscellaneous".

#### **III. CERTIFICATE OF RECORD**

- A. After the designated transcripts are filed, the U.S. District Court will fill out copy three of form CA9-036 (which is the Certificate of record) and file it with the Ninth Circuit Court of Appeals. A copy of the Certificate of Record will be sent to all parties.
- B. The Ninth Circuit Court of Appeals, upon receipt of the Certificate of Record, will notify all parties of the briefing schedule.

**ADDITIONAL INSTRUCTIONS**  
**FOR TRANSCRIPT DESIGNATION AND ORDERING FORM**  
**(CA9-036)**

In addition to the specific instructions included on the enclosed form, the following guidelines are offered:

- (1) This form is sent to the appellant and appellee upon the filing of the notice of appeal.
- (2) The appellant should notify the appellee, in writing, within 10 days from the filing of the notice of appeal of his planned designation or non-designation as the case may be, per FRAP 10(b) and Circuit Rule 10-3.1. (If less than the entire transcript is designated, a "Statement of the Issues to be Presented on Appeal" should be filed with the United States Court of Appeals and served upon the appellee within ten days from the filing of the notice of appeal.)
- (3) The appellee should notify the appellant of any further designations, following the appropriate rule, i.e. within twenty (20) days from the filing of the notice of appeal.
- (4) If the appellant is unable to contact the appellee or does not receive any response within the time prescribed, this information should be noted on the designation form.
- (5) The appellant should then complete the enclosed form and send a copy to the court reporter(s), (in cases involving multiple reporters, serve a copy to each reporter), the District Court Clerk's Office, and to opposing counsel. This should be done within thirty (30) days from the filing of the notice of appeal. (Note: the appellant should complete and file the enclosed form even if the designated transcripts are already on file. A notation to that effect should be noted on the enclosed form).
- (6) If opposing counsel wishes to file a supplemental designation of transcript, a motion to supplement the record must be filed with the Ninth Circuit Court of Appeals.
- (7) The District Court will not accept or file any late designations without an order from the Ninth Circuit Court of Appeals.